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| 09/683,370  | 12/19/2001  | Daniel B. Dombrosky  | 109.0024                 | 7700             |
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| PRIEST & GOLDSTEIN PLLC<br>5015 SOUTHPARK DRIVE<br>SUITE 230<br>DURHAM, NC 27713-7736 |             |                      | EXAMINER<br>HUYNH, THU V |                  |
|   |             |                      | ART UNIT                 | PAPER NUMBER     |
|   |             |                      | 2178                     |                  |

DATE MAILED: 10/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/683,370

Applicant(s)

DOMBROSKY ET AL.

Examiner

Thu V. Huynh

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This action is responsive to communications: amendment filed on 07/20/2005 to application filed on 12/19/2001.
2. Claims 1, 6 and 11 are amended.
3. Claims 1-19 are pending in this case. Claims 1, 6 and 11 are independent claims.
4. Rejections in previous office action have been withdrawn as necessitated by the amendment.

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. **Claims 1-9, 11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable by Yehuda et al., US 6,266,683 B1, patented 07/2001 and Cimini et al., US 2003/0055718 A1, filed 09/2001.**

**Regarding independent claim 1, Yehuda teaches the steps of:**

- examining the process to identify individual process steps required by the process  
(Yehuda, col.5, lines 44-54; col.6, lines 8-17; col.7, line 62 – col.8, line 45; col.9,

lines 28-37; examining a project to identify documents or segments that built the project);

- collecting evaluation information related to one or more process step and of the overall process, the evaluation information providing insight into quality of performance of one or more process steps or of the overall process (Yehuda, fig.3, item 86; col.11, lines 52-58; col.17, lines 5-15; collecting comments related to particular document or segment of the project, wherein the comments relating to performance of the document for revising or not revising purpose);
- processing the evaluation information to form a collection of evaluation information documents, one or more evaluation information documents including evaluation relating to quality of performance of one or more process steps or of the overall process (Yehuda, col.17, lines 5-15; processing the comments to form a collection of comment hyperlinks for participants to view, wherein each comment relating to performance of the document for revising or not revising purpose);
- storing the evaluation information documents in electronically retrievable format (Yehuda, col.17, lines 5-15; participants can view the comments by selecting comment hyperlinks. This inherently discloses that comment documents must be stored);
- creating a description of each process step (Yehuda, Yehuda, figures 9A-9B; col.7, line 62 – col.8, line 8; col.10, lines 3-24; col.11, lines 13-29; col.14, lines 8-65; creating a hyperlink for each document or segment);

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- organizing the process step descriptions into a process description comprising a sequence of process step descriptions (Yehuda, figures 9A-9B; col.7, line 62 – col.8, line 8; col.10, lines 3-24; col.11, lines 13-29; col.14, lines 8-65; organizing hyperlinks of documents or/and segment in a hierarchy structure);
- adding to the process description links to appropriate evaluation information documents, each link retrieving an evaluation information document associated with the link upon activation of the link (Yehuda, col.16, lines 34-55; col.17, lines 5-15; adding comment links associated with documents or segments, wherein selecting one of the comment hyperlinks causes the comment information is retrieved for viewing by participant);
- storing the process description in electronically retrievable format (Yehuda, figures 9A-9B; col.11, lines 13-59; col.14, lines 8-65; hierarchy structure must be stored in order to be view by the participant on a browser).

Yehuda does not explicitly disclose the evaluation information including information comparing specified aspects of instances of performance of a process step or of the overall process against predetermined standard for performance; and presenting evaluation information showing how well one or more process steps or the overall process has been performed, as compared against the predetermined standards.

Cimini teaches evaluation information including information comparing specified aspects of instances of performance of a process step or of the overall process against predetermined standard for performance; and presenting evaluation information showing how well one or more process steps or the overall process has been performed, as compared against the predetermined

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standards (Cimini, figures 4-5; [0031], [0035], [0039], [0041]; evaluating process performance using pre-defined evaluation categories against predetermined values for performance and providing “a visual representation of the weighted numerical scores of each evaluation category based on the responses selected by the user for each question”).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Cimini’s teaching into Yehuda to provided a categories/criteria to evaluate the document/process, since the combination would have provided a cost-effective and highly reliable evaluation system (Cimini, [0041]) and presenting evaluation information against predetermined values as well as comments (Yehuda, col.11, lines 52-58; col.12, lines 27-30; Cimini, [0039]).

**Regarding claim 2**, which is dependent on claim 1, Yehuda teaches wherein the step of processing the evaluation information is followed by a step of organizing the evaluation information documents into levels, each evaluation document being assigned a level based on a level of a process or process step to which an evaluation document relates (Yehuda, col.11, lines 13-29; col.12, line 65 – col.13, line 14; col.16, lines 15-20; organizing the documents or/and segments into hierarchy structure. Yehuda teaches organizing comments using document names, segments identifiers, pointers to link comments into associated documents or segments).

**Regarding claim 3**, which is dependent on claim 2, Yehuda teaches wherein the step of organizing the evaluation information documents includes establishing links between related evaluation information documents (Yehuda, col.11, lines 13-29; col.12, line 65 – col.13, line 14;

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col.16, lines 15-20; organizing the documents or/and segments into hierarchy structure. Yehuda teaches organizing comments using document names, segments identifiers, pointers to link comments into associated documents or segments of the project).

**Regarding claim 4**, which is dependent on claim 3, Yehuda teaches wherein the step of adding to the process description links to evaluation information documents includes establishing a plurality of levels of links, with each level of link retrieving a particular level of evaluation information (Yehuda, col.11, lines 13-29; col.12, line 65 – col.13, line 14; col.16, lines 15-20; organizing the documents or/and segments into hierarchy structure. Yehuda teaches organizing comments using document names, segments identifiers, pointers to link comments into associated documents or segments of the project).

**Regarding claim 5**, which is dependent on claim 4, Yehuda teaches wherein the step of adding to the process description links to evaluation information documents is followed by a step of adding to the process description links to resources useful for performing the process (Yehuda, col.11, lines 13-29; col.12, line 65 – col.13, line 14; col.16, lines 15-20; organizing the documents or/and segments into hierarchy structure. Yehuda teaches organizing comments using document names, segments identifiers, pointers to link comments into associated documents or segments of the project).

**Regarding independent claim 6**, Yehuda teaches performance of a process, comprising the steps of:

- retrieving a process description comprising a sequence of process step descriptions, the process description including a plurality of links to evaluation information documents, each document presenting evaluation information relating to performance of a process step or of the overall process, the evaluation information providing insight into quality of performance of one or more process steps or of the overall process (Yehuda, fig.3, fig. 9B; col.7, line 62 – col.8, line 8; col.10, lines 3-24; col.11, lines 13-29, lines 52-58; col.17, lines 5-15; participants request a project for evaluation; displaying on participants' browser the requested project that is organized with hyperlinks of documents or/and segment in a hierarchy structure; the participants can view documents or segments' comment of the project by clicking on the comment hyperlinks, wherein the comments relating to performance of the document for revising or not revising purpose);
- upon activation of a link to an evaluation information document, retrieving the evaluation information document associated with the link (Yehuda, col.17, lines 39-66; col.17, lines 5-15; participants selects comment view button for retrieving comment hyperlinks; participants can view the comments by selecting comment hyperlinks); and
- displaying the evaluation information document (Yehuda, col.17, lines 5-15).

Yehuda does not explicitly disclose the evaluation information including information comparing specified aspects of instances of performance of a process step or of the overall process against predetermined standard for performance.



Cimini teaches evaluation information including information comparing specified aspects of instances of performance of a process step or of the overall process against predetermined standard for performance; and presenting evaluation information showing how well one or more process steps or the overall process has been performed, as compared against the predetermined standards (Cimini, figures 4-5; [0031], [0035], [0039], [0041]; evaluating process performance using pre-defined evaluation categories against predetermined values for performance and providing “a visual representation of the weighted numerical scores of each evaluation category based on the responses selected by the user for each question”).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Cimini’s teaching into Yehuda to provided a categories/criteria to evaluate the document/process, since the combination would have provided a cost-effective and highly reliable evaluation system (Cimini, [0041]) and presenting evaluation information against predetermined values as well as comments (Yehuda, col.11, lines 52-58; col.12, lines 27-30; Cimini, [0039]).

**Regarding claim 7**, which is dependent on claim 6, Yehuda teaches wherein the step of retrieving the evaluation information document includes retrieving one or more additional evaluation information documents related to the evaluation information document retrieved upon activation of the link (Yehuda, col.17, lines 39-66);

**Regarding claim 8**, which is dependent on claim 7, Yehuda teaches wherein step of displaying the evaluation information document is followed by a step of displaying one of the

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one or more additional evaluation information documents upon selection by a user (Yehuda, col.17, lines 39-66; col.17, lines 5-15).

**Regarding claim 9**, which is dependent on claim 6, Yehuda teaches wherein the step of retrieving the process description is preceded by displaying a list of available process descriptions and receiving a user selection from the list and wherein the step of retrieving the process description comprise retrieving the process description selected from the list (Yehuda, col.14, lines 8-65 and figures 9A-9B).

**Regarding independent claim 11**, Yehuda teaches the steps of:

- a process description library for storing a plurality of process description in electronically retrievable format (Yehuda, col.14, lines 8-65 and figures 9A-9B; in order to display process description of projects for evaluation on browser, process description must be stored);
- an evaluation information database for storing a plurality of evaluation information documents stored in electronically retrievable format, each document presenting evaluation information relating to performance of a process step or of the overall process, the evaluation information providing insight into quality of performance of one or more process steps or of the overall process (Yehuda, col.11, line 52 – col.12, line 31; col.17, lines 39-66; col.17, lines 5-15; participants selects comment view button for retrieving comment hyperlinks; participants can view the comments by selecting comment hyperlinks. This inherently comment document must be stored,

wherein the comments relating to performance of the document for revising or not revising purpose).

- a process description manager operative to create the process descriptions, the process description manager being operative to include one or more of the process descriptions one or more links to evaluation information documents, each link causing retrieval of an associated evaluation manager being operative to store each process description in the process description library upon creation of the process description (Yehuda, fig. 9B; col.7, line 62 – col.8, line 8; col.10, lines 3-24; col.11, lines 13-29; col.17, lines 5-15; participants request a project for evaluation; displaying on participants' browser the requested project that is organized with hyperlinks of documents or/and segment in a hierarchy structure; the participants can view documents or segments' comment of the project by clicking on the comment hyperlinks).

Yehuda does not explicitly disclose the evaluation information including information comparing specified aspects of instances of performance of a process step or of the overall process against predetermined standard for performance.

Cimini teaches evaluation information including information comparing specified aspects of instances of performance of a process step or of the overall process against predetermined standard for performance; and presenting evaluation information showing how well one or more process steps or the overall process has been performed, as compared against the predetermined standards (Cimini, figures 4-5; [0031], [0035], [0039], [0041]; evaluating process performance using pre-defined evaluation categories against predetermined values for performance and

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providing “a visual representation of the weighted numerical scores of each evaluation category based on the responses selected by the user for each question”).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Cimini’s teaching into Yehuda to provided a categories/criteria to evaluate the document/process, since the combination would have provided a cost-effective and highly reliable evaluation system (Cimini, [0041]) and presenting evaluation information against predetermined values as well as comments (Yehuda, col.11, lines 52-58; col.12, lines 27-30; Cimini, [0039]).

**Regarding claim 12**, which is dependent on claim 11, Yehuda teaches an evaluation information manager operative to retrieve and display selected evaluation information documents (Yehuda, col.17, lines 39-66; col.17, lines 5-15).

**Regarding claim 13**, which is dependent on claim 12, Yehuda teaches wherein activation of a link invokes the evaluation information manager and selects for display the associated evaluation information document (Yehuda, col.17, lines 39-66; col.17, lines 5-15).

**Regarding claim 14**, which is dependent on claim 13, Yehuda teaches wherein the evaluation information manager is operative to receive collected evaluation information and process the collected evaluation information to form the evaluation information documents (Yehuda, fig.3, item 86; col.11, lines 52-58; col.17, lines 39-66; col.17, lines 5-15; collecting comments related to particular document or segment of the project);

**Regarding claim 15**, which is dependent on claim 14, Yehuda teaches wherein each process description comprises a plurality of process step descriptions arranged in a sequence (Yehuda, figures 9A-9B; col.7, line 62 – col.8, line 8; col.10, lines 3-24; col.11, lines 13-29; col.14, lines 8-65; organizing hyperlinks of documents or/and segment in a hierarchy structure);

**Regarding claim 16**, which is dependent on claim 15, Yehuda teaches wherein the process description manager is operative to assign a level to each of the process descriptions and process step descriptions indicating a level in a hierarchy of process descriptions and process step description stored in the process description library (Yehuda, figures 9A-9B; col.7, line 62 – col.8, line 8; col.10, lines 3-24; col.11, lines 13-29; col.14, lines 8-65; organizing and displaying hyperlinks of documents or/and segment in a hierarchy structure);

**Regarding claim 17**, which is dependent on claim 16, Yehuda teaches wherein each of the evaluation information documents is assigned a level in a hierarchy of levels and wherein at least some of the levels in the hierarchy of evaluation information documents correspond to equivalent levels in the hierarchy of process and process step descriptions (Yehuda, col.11, lines 13-29; col.12, line 65 – col.13, line 14; col.16, lines 15-20; organizing the documents or/and segments into hierarchy structure. Yehuda teaches organizing comments using document names, segments identifiers, pointers to link comments into associated documents or segments).

**Regarding claim 18**, which is dependent on claim 17, Yehuda teaches wherein one or more of the links in the process description is associated with a process step description (Yehuda, col.11, lines 13-29; col.12, line 65 – col.13, line 14; col.16, lines 15-20; organizing the documents or/and segments into hierarchy structure. Yehuda teaches organizing comments using document names, segments identifiers, pointers to link comments into associated documents or segments).

**Regarding claim 19**, which is dependent on claim 18, teaches wherein each link associated with one or more of the process step descriptions is operative to retrieve an evaluation information document having a level equivalent to the level of the process step description with which the link is associated (Yehuda, col.11, lines 13-29; col.12, line 65 – col.13, line 14; col.16, lines 15-20; organizing the documents or/and segments into hierarchy structure. Yehuda teaches organizing comments using document names, segments identifiers, pointers to link comments into associated documents or segments).

7. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yehuda and Cimini as applied to claim 9 above and further in view of Stremmler et al., US 2004/0133489 A1, priority filed 11/2001.**

**Regarding claim 10**, which is dependent on claim 9, Yehuda does not explicitly teach wherein the step of displaying the list of available process descriptions is preceded by receiving search terms from a user and wherein the list of available process descriptions is a list of process descriptions conforming the search term.

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Stremler teaches using search term to find projects and displaying a list of the project conforming the search term (Stremler, [0130], [0131], [0188]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have combined Stremler into Yehuda to provide search function, since the combination would have facilitate the user to evaluate available projects based on key work or user name as Stremler disclosed in paragraph 0188.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that, "Yehuda does not teach that comments or other valuation information include comparisons of instances of performance against predetermined standards for performance".

However, the combination of Yehuda and Cimini teaches these limitations as explained in the rejection above.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bradley et al., US 2003/0167280 A1, filed 01/2001, teaches teacher grades documents.

Miller et al., US 2003/0110067 A1, filed 12/2001, teaches user rates profile based on a list of knowledge profiles.

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Wied et al., US 2005/0209913 A1, priority filed 11/2000, teaches method for facilitating commerce between shippers and carriers.

Green et al., US 6,449,598 A1, filed 09/99, teaches quality review document against a checklist.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu V Huynh whose telephone number is (571) 272-4126. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVH  
October 11, 2005

*William L. Bashore*  
WILLIAM BASHORE  
PRIMARY EXAMINER  
10/13/2005